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7 Legal Representatives for Complainant

8 **BEFORE THE**
RESPIRATORY CARE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 ARDIE RAY CONNOLLY
1859 Heller Lane
13 Redding, CA 96001

14 Respiratory Care Practitioner License No. 18082

15 Respondent.

RCB Case No. R-1955
OAH no. N2005060456

**STIPULATED SETTLEMENT FOR
PUBLIC REPRIMAND AND
DISCIPLINARY ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and the responsibility of the Respiratory Care Board, Department of Consumer
19 Affairs, State of California ("Board"), the parties hereby agree to the following Stipulated
20 Settlement For Public Reprimand and Disciplinary Order which will be submitted to the Board for
21 approval and adoption as the final disposition of the First Amended Accusation in Case No. R-
22 1955.

23 **PARTIES**

24 1. At the time of the filing of the First Amended Accusation in Case No. R-
25 1955, complainant Stephanie Nunez was the Executive Officer of the Board and brought this
26 action solely in her official capacity. Complainant is represented in this matter by Bill Lockyer,
27 Attorney General of the State of California, by Catherine Santillan, Senior Legal Analyst.

28 2. Respondent Ardie Ray Connolly, ("respondent"), is aware of his right to be

1 represented by an attorney in this matter, but has elected to represent himself.

2 3. At all times relevant herein, respondent has been licensed by the Board
3 under Respiratory Care Practitioner License No. 18082.

4 JURISDICTION

5 4. First Amended Accusation No. R-1955 ("Accusation") was filed before the
6 Board and is currently pending against respondent. The Accusation, together with all other
7 statutorily required documents, was duly served on the respondent in accordance with the
8 California Administrative Procedure Act and respondent timely filed a Notice of Defense
9 contesting the Accusation. A copy of said Accusation is attached as Exhibit A and incorporated
10 herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read and fully understands the nature of the
13 charges alleged in the Accusation and the effects of this Stipulated Settlement For Public
14 Reprimand and Disciplinary Order ("Stipulation").

15 6. Respondent understands that the charges and allegations in the Accusation,
16 if proven at a hearing, constitute cause for imposing discipline upon Respiratory Care Practitioner
17 License No. 18082. Respondent is fully aware of his legal rights and that, but for this Stipulation,
18 he would be entitled: 1) to a hearing on the charges and allegations in the Accusation; 2) to be
19 represented by counsel, at his own expense, in all proceedings in this matter; 3) to confront and
20 cross-examine the witnesses against him; 4) to present evidence on his own behalf and to the
21 issuance of subpoenas to compel the attendance of witnesses and the production of documents; 5)
22 to reconsideration and appeal of an adverse decision; and 6) all other rights accorded pursuant to
23 the California Administrative Procedure Act and other applicable laws.

24 7. With these rights in mind, respondent freely, voluntarily, knowingly, and
25 intelligently waives and gives up each and every right set forth above.

26 ADMISSIONS

27 8. For the purposes of settlement and compromise of the Accusation,
28 respondent agrees that the charges and allegations in Accusation No. R-1955, if proven at a

1 hearing, constitute cause for imposing discipline upon his Respiratory Care Practitioner License.

2 9. For the purpose of resolving the Accusation without the expense and
3 uncertainty of further proceedings, Respondent agrees gives up his right to contest those charges.

4 10. Respondent agrees to be bound by the Board's imposition of discipline.

5 RESERVATION

6 11. The admissions made by respondent herein are only for the purposes of this
7 proceeding, or any other proceedings in which the Respiratory Care Board or other professional
8 licensing agency is involved, and shall not be admissible in any other criminal or civil proceedings.

9 CONTINGENCY

10 12. This Stipulation shall be subject to the approval of the Board. Respondent
11 understands and agrees that Board staff and counsel for complainant may communicate directly
12 with the Board regarding this Stipulation, without notice to or participation by respondent or his
13 representative. If the Board fails to adopt this Stipulation as its Disciplinary Order, the
14 Stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the
15 parties, and the Board shall not be disqualified from further action in this matter by virtue of its
16 consideration of this Stipulation.

17 13. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board shall, without further notice or formal proceeding, issue and enter the
19 following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Ardie Ray Connolly, Respiratory Care
22 Practitioner License No. 18082, is hereby publicly reprimanded by the Respiratory Care Board.
23 This Stipulated Settlement For Public Reprimand and Disciplinary Order shall constitute the
24 formal public reprimand; in addition, as part of this Stipulation, respondent agrees as follows:

25 A. No further violation of the law will occur; and

26 B. Respondent is hereby ordered to reimburse the Board the amount
27 of \$4,000.00 for its investigative and prosecution costs. The amount shall be paid in equal
28 monthly installments within sixty (60) months of the effective date of this Disciplinary Order,

1 unless the Board agrees in writing to payment by a different installment plan because of financial
2 hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of the
3 responsibility to reimburse the Board for its investigative and prosecution costs.

4 C. Failure to timely reimburse the Board for its investigative and
5 prosecution costs in the amount set forth hereinabove shall constitute unprofessional conduct
6 pursuant to Business and Professions Code section 3755 for purposes of further disciplinary
7 proceedings. In addition, the Board may withhold renewal of respondent's Respiratory Care
8 Practitioner License No. 18082.

9 ACCEPTANCE

10 I have read the above Stipulated Settlement For Public Reprimand and Disciplinary
11 Order. I fully the terms and conditions and other matters contained therein. I understand the
12 effect this Stipulation will have on my Respiratory Care Practitioner License No. 18082, and
13 agree to be bound thereby. I enter this Stipulation freely, voluntarily, knowingly, intelligently and
14 voluntarily.

15 DATED: October 24, 2005.

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17 Original signed by:
18 ARDIE RAY CONNOLLY
19 Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement For Public Reprimand and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board, Department of Consumer Affairs, State of California.

DATED: October 24, 2005.

BILL LOCKYER, Attorney General
of the State of California

Original signed by:
CATHERINE E. SANTILLAN
Senior Legal Analyst

Legal Representative for Complainant

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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

Case No. R-1955

ARDIE RAY CONNOLLY
1859 Heller Lane
Redding, CA 96001

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall be effective on January 9, 2006.

It is so ORDERED December 29, 2005.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA